

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMIL GERONIMO,

Plaintiff

v.

ELY STATE PRISON, *et al.*,

Defendants

Case No. 3:20-cv-00320-MMD-WGC

ORDER

I. DISCUSSION

On June 1, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and a Financial Certificate with an inmate account statement for the previous six-month period. (ECF Nos. 1-1, 1-2). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **August 3, 2020**.

1 Absent unusual circumstances, the Court will not grant any further extensions of time. If
2 Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all
3 three required documents or pay the full \$400 filing fee on or before **August 3, 2020**, the
4 Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court
5 when Plaintiff is either able to acquire all three of the documents needed to file a fully
6 complete application to proceed *in forma pauperis* or pay the full \$400 filing fee.

7 To clarify, a dismissal without prejudice means Plaintiff does not give up the right
8 to refile the case with the Court, under a new case number, when Plaintiff has all three
9 documents needed to submit with an application to proceed *in forma pauperis*.
10 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis*
11 and instead pay the full filing fee of \$400 on or before **August 3, 2020** to proceed with
12 this case. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the
13 Court will not file the complaint unless and until Plaintiff timely files a fully complete
14 application to proceed *in forma pauperis* with all three documents or pays the full \$400
15 filing fee.

16 II. CONCLUSION

17 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
18 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
19 as the document entitled information and instructions for filing an *in forma pauperis*
20 application.

21 IT IS FURTHER ORDERED that on or before **August 3, 2020**, Plaintiff will either
22 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
23 administrative fee) or file with the Court:

24 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
25 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
26 signatures on page 3),

27 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
28 official (i.e. page 4 of this Court's approved form), and

1 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
2 **previous six-month period.**

3 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
4 application to proceed *in forma pauperis* with all three documents or pay the full \$400
5 filing fee for a civil action on or before **August 3, 2020**, the Court will dismiss this action
6 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
7 when Plaintiff has all three documents needed to file a complete application to proceed
8 *in forma pauperis* or pays the full \$400 filing fee.

9 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
10 (ECF No.1-1) but will not file it at this time.

11 DATED: June 2, 2020

12 William G. Cobb
13 UNITED STATES MAGISTRATE JUDGE
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